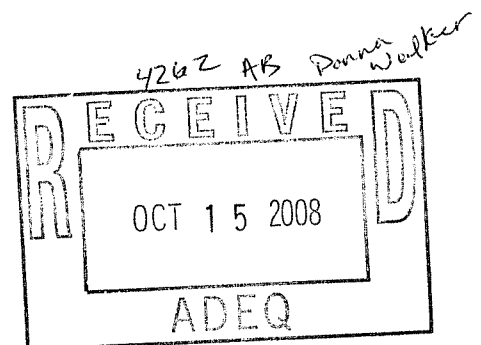


ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

MEETING OF THE  
UNDERGROUND STORAGE TANK POLICY COMMISSION

Phoenix, Arizona  
August 27, 2008  
9:00 a.m.

Location: 1110 W. Washington  
Room 250  
Phoenix, Arizona



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INDEX FOR THE AGENDA ITEMS

AGENDA ITEMS:	PAGE
1. CALL TO ORDER AND ROLL CALL	4
2. APPROVAL OF MINUTES FROM JUNE 25, 2008 MEETING	4
3. ADEQ UPDATES	5
A. DESCRIPTION OF SAF APPEALS PROCESS -	10
INCLUDING REQUIRED APPEAL AND RESPONSE TIMES	
B. TPD UST PROGRAM CONFERENCE - OCTOBER 15, 2008	8
4. DISCUSSION OF RECENT LEGISLATION AND RULES	33
AFFECTING THE UST PROGRAM	
5. EVALUATION SUBCOMMITTEE UPDATE	41
6. TECHNICAL SUBCOMMITTEE UPDATE	42
A. Report and discussion of the July 9, 2008	
Technical Subcommittee Meeting	
B. Proposed agenda items for next Technical	
Subcommittee Meeting	
7. Discussion and Response to June 25, 2008	53
Submittal by Mr. Greg Jones	
8. GENERAL CALL TO THE PUBLIC	61
9. SUMMARY OF MEETING ACTION ITEMS	64
10. DISCUSSION OF AGENDA ITEMS AND SCHEDULE FOR	64
NEXT COMMISSION MEETING	
11. ANNOUNCEMENTS:	
A. NEXT POLICY COMMISSION MEETING IS SCHEDULED	66
TO BE HELD ON SEPTEMBER 24, 2008, AT 9:00 A.M.	
IN ROOM 250 AT ADEQ LOCATED AT 1110 W.	
WASHINGTON, PHOENIX, ARIZONA	
12. ADJOURN	66

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COMMITTEE MEMBERS PRESENT:

Gail Clement, Chair

Philip McNeely

William (Bill) Bunch

Tamara Huddleston, Esq.

Joseph Mikitish, Esq.

Karen Gaylord, Esq.

Cathy Chaberski

Tricia Johnsen

1 P R O C E E D I N G S

2  
3 Welcome. This is the August 27, 2008 UST Policy  
4 Commission meeting, so it's a call to order and we will  
5 start on my left with the roll call.

6 MS. HUDDLESTON: Tamara Huddleston.

7 MR. MC NEELY: Phil McNeely.

8 MS. JOHNSEN: Trisha Johnsen.

9 CHAIRPERSON CLEMENT: Gail Clement.

10 MS. GAYLORD: Karen Gaylord.

11 MR. BUNCH: Bill Bunch.

12 MS. CHABERSKI: Cathy Chaberski.

13 CHAIRPERSON CLEMENT: Okay. We're all here.

14 Now we will move to the next agenda item, which  
15 is approval of the minutes from the June 25th, 2008  
16 meeting. That was our last UST Policy Commission meeting.  
17 We did not have a July meeting.

18 Did everybody receive their minutes and have a  
19 chance to look at them?

20 Were there any comments or discussion?

21 Is there a motion to approve the June meeting  
22 minutes?

23 MS. CHABERSKI: Motion to approve.

24 CHAIRPERSON CLEMENT: Second?

25 MR. MC NEELY: Second.

1 CHAIRPERSON CLEMENT: All in favor?

2 (Chorus of ayes.)

3 CHAIRPERSON CLEMENT: Anyone opposed? No.

4 Okay. The June 25th, 2008 meeting minutes have  
5 been approved.

6 Okay. And then we're going to jump now to Item  
7 No. 3, which is the ADEQ updates, and Mr. McNeely will  
8 take it from here.

9 MR. MC NEELY: ADEQ updates. If you look in your  
10 packet, I will start with the Corrective Action Section  
11 Table. It is the same format that we've been using for a  
12 long time. We will start off with the LUST statistics.  
13 June, July, you can see that we're not getting a whole lot  
14 of new LUSTs reported. In June we had one; July we had  
15 two.

16 And the LUSTs closed, we closed 14 releases in  
17 June and 33 in July. So that's good, but still if you  
18 look at how many we still have open, we have about 1100  
19 open and about a thousand, a little bit over a thousand  
20 are eligible for SAF, so we need to keep the closures high  
21 to make that thousand in the next two years if we're going  
22 to make that.

23 Corrective action documents, just to show you  
24 what's in our house right now, five characterization  
25 reports, three CAPS. The good one is 13 closure requests,

1 so they're still coming in, 13 closure requests.

2 Five work plans. Remember, work plans, we can  
3 only accept work plans until June 30th of next year, so we  
4 only have ten more months, and that's important for the  
5 volunteers. Owner/operators, it's not as important, but  
6 volunteers have to have a work plan to do the work.

7 So, going on down the page, the Municipal Tank  
8 Closure program, we're still pushing that. We've moved  
9 163 tanks in that program, and we're still finding more  
10 tanks and we're still finding more abandoned stations.  
11 And that's a -- for anyone who doesn't know, that's a  
12 program where we actually -- the State will pull these  
13 tanks out of the ground for free. The property owners are  
14 not liable for the tanks, and it's a rural initiative.  
15 That means in a town with less than 15,000.

16 CHAIRPERSON CLEMENT: Does the town have to be  
17 incorporated?

18 MR. MC NEELY: No. We changed that a couple of  
19 years ago where a county can now apply. It had to be --  
20 either a town or a county had to apply.

21 CHAIRPERSON CLEMENT: So the government, the  
22 population in that area still would have to be less than  
23 15,000 if the county applied?

24 MR. MC NEELY: No. That's the thing. So, if  
25 it's unincorporated, you're eligible. If it is

1 incorporated, you have to be less than 15,000.

2 CHAIRPERSON CLEMENT: Okay. Thank you.

3 MR. MC NEELY: And all the counties have been  
4 pretty good about it, really. We're running around  
5 looking for these, too. If we find them, we will go to  
6 the county, and they are more than willing to put an  
7 application through, so we help them.

8 I'm going to move on to the -- is there any  
9 questions on the corrective action?

10 Move on to the colored graphs, the State  
11 Assurance Fund graphs. In June we received 70 claims and  
12 we processed 63. And in July we received 70 claims again,  
13 and we processed 69. So we're hanging in there just  
14 processing what we receive.

15 And if you look down at the bottom of at the  
16 table, we have 126 in-house. 85 of those are  
17 reimbursement; 34 direct pay, which is a payment against  
18 preapproval; and 7 are preapproval applications. And all  
19 of them are within 90 days, so we're keeping up.

20 The appeals on the next page, we had 26 informal  
21 appeal requests in July, and we processed 29 in July. And  
22 just to give you -- we never really totaled the total  
23 number, but I asked for that. Our total in-house number  
24 is 59 informal appeals as of today, so we have 59  
25 in-house.



1           For the formal appeals, we had two requests in  
2 July and we processed 12 in July. We have 17 formal  
3 appeals in-house. Out of those 17, we don't think any  
4 will go to hearing right now. I mean, we're still working  
5 on it, but it seems like most of them are being resolved  
6 or settled.

7           There is another table to show you where all the  
8 claims are in process.

9           Any questions about the SAF?

10          CHAIRPERSON CLEMENT: Well, when we get into the  
11 -- Mr. McNeely, when we get into the -- we asked you to  
12 put together the time frames in the process itself --

13          MR. MC NEELY: Right.

14          CHAIRPERSON CLEMENT: -- i had a few questions I  
15 think will be more appropriate for that.

16          MR. MC NEELY: Okay. Well, that's Item A. But I  
17 think -- I'm trying to -- I guess I will talk about the  
18 UST program conference real quickly.

19          CHAIRPERSON CLEMENT: Sure.

20          MR. MC NEELY: That's on 3(b).

21          We are going to have a conference on October 15th  
22 from 9 to 1 o'clock in the ADEQ building here, in Room  
23 3175, which is upstairs, a little bit bigger room. We  
24 used to do it every year for years. We didn't do it last  
25 year, but we're going to do it a again this year just to

1 update everybody on what's going on because of the SAF  
2 sunset ending and Energy Act, and the MNA rules.

3           So, the agenda right now in general is going to  
4 be Joe Drosendahl talking about the MNA rules and the  
5 26304 closures. That's closures above water quality  
6 standards, just the process, how it's going, what we  
7 expect if you request that. Time line for the MNA rules,  
8 because the time line is coming up where we have to get  
9 CAPS approved, so we're going to discuss all that.

10           Ron Kern will talk about the Energy Act, where  
11 we're going with -- actually where we are with it. We  
12 have developed a stop use order, how it looks, the order,  
13 the stop use order satisfaction, how the website will  
14 look, how the tag will look, things like that.

15           Tara will talk about the SAF, just the process  
16 and how it's going and any issues that we have that we see  
17 that maybe we could correct. And then I will just give an  
18 overview, so it will be four hours of just talking and  
19 answering questions.

20           CHAIRPERSON CLEMENT: Did you want the Policy  
21 Commission to give a little blurb like you usually do,  
22 five seconds?

23           MR. MC NEELY: Right. I was going to ask if you  
24 wanted to talk or somebody wanted to possibly talk, just  
25 give an update of what we've been doing for the last

1 couple of years, if you want to.

2 CHAIRPERSON CLEMENT: Let me check my calendar  
3 and I will confirm with you.

4 MR. MC NEELY: I don't know if anybody else  
5 really wants to, but I think we had the APMA talk one  
6 year. If anybody else wants to do something, we are more  
7 than willing to give a slot.

8 CHAIRPERSON CLEMENT: We could have the Technical  
9 Subcommittee chairperson, or we could have the Evaluation  
10 Subcommittee chairpersons. You don't think there is any  
11 reason for that?

12 MR. BUNCH: I don't see a big need.

13 CHAIRPERSON CLEMENT: Okay.

14 MR. MC NEELY: Okay. Well, I will jump into the  
15 SAF appeals process, I guess. It was requested to put  
16 this on the agenda about -- I didn't really have a big  
17 discussion about it. It just says, "Including Required  
18 Appeal and Response Time," so that's what I came up with.

19 So, what we do with the process is we do an  
20 interim determination. That's just a letter that we send  
21 out and we send a check out with that interim  
22 determination for direct pays, if they're going to get  
23 paid. Whatever we approve, we send the check out with the  
24 interim determination.

25 The applicant has 30 days to appeal that as an

1 informal appeal. If they don't appeal it within 30 days,  
2 that interim determination becomes final after 45 days.

3 And what we try to do, we try to send out a final  
4 determination in that case between that 30 days and  
5 45 days. If we don't send it out, then automatically that  
6 interim determination becomes final at the 45-day mark,  
7 and then there is 30 more days for the applicant to do a  
8 formal appeal. So that's if there is no appeal. If there  
9 is no informal appeal, they have 45 days plus another  
10 30 days, so they have 75 days to do the appeal.

11 CHAIRPERSON CLEMENT: Can I go through that  
12 again, so I'm clear in my own mind?

13 MR. MC NEELY: Okay.

14 CHAIRPERSON CLEMENT: So, if you have an interim  
15 determination, at that point you send out a check or a --

16 MR. MC NEELY: We send out a check if it's a  
17 reimbursement or direct pay; if it's a preapproval, right.

18 CHAIRPERSON CLEMENT: Then the applicant between  
19 -- after the interim determination, the applicant has 30  
20 days to appeal that, and then informal appeal?

21 MR. MC NEELY: Right.

22 CHAIRPERSON CLEMENT: If they do not appeal that  
23 in that 30-day time frame, then at 45 days that becomes a  
24 final determination?

25 MR. MC NEELY: Right.

1 CHAIRPERSON CLEMENT: And then after that  
2 45 days, they have another 45 days?

3 MR. MC NEELY: 30 days.

4 CHAIRPERSON CLEMENT: 30 days. Okay.

5 MR. MC NEELY: They have another 30 days to do a  
6 formal appeal if they missed the informal appeal for some  
7 reason. And we tried -- the way we try to do it, we try  
8 to send a final determination letter every time on those,  
9 but sometimes we miss the time frame. If we miss the 45  
10 day time frame, then we don't send another letter out.

11 CHAIRPERSON CLEMENT: So, your goal is to send  
12 out a letter saying that the final determination is X, but  
13 if that letter does not go out, it is still a final  
14 determination, and if the 45 days is reached, you don't  
15 send a final determination letter out?

16 MR. MC NEELY: Right. That would be two final  
17 determinations at that point, and, I mean, typically --  
18 and the reason we don't necessarily send the letter out in  
19 this case is because there was no informal appeal in the  
20 first place. I think they are okay with that.

21 Now I will go to the other scenario where there  
22 is an appeal, when they apply for informal appeal, and at  
23 that point, there is different ways you can do it. You  
24 can have a meeting or no meeting. If they request a  
25 meeting, then you're supposed to schedule a meeting and

1 then once you meet, the agency has 15 days to do a final  
2 determination. But a lot of times that gets extended  
3 because a lot of these meetings, the applicant will say,  
4 I'm going to get you more information, I'm going to get  
5 you this, I'm going to get you that. And by statute, we  
6 can go for another 60 days, you know, to get this  
7 information. Once we get the information, we need 15 days  
8 to review it. So, that time frame, if you have a meeting,  
9 you can get spread out pretty far.

10 CHAIRPERSON CLEMENT: But not to any longer than  
11 60 days; is that correct?

12 MR. MC NEELY: It says up to 60 days. But in the  
13 past it has gone past that if both parties are agreeing  
14 that they are going to get us the information. And so in  
15 this case, we'd always send a letter out, though. We'd  
16 always send a final determination out. Even if we miss  
17 our 15-day mark and it becomes final, we will always send  
18 a final determination so they know that they actually have  
19 30 more days to do a formal appeal.

20 CHAIRPERSON CLEMENT: Okay.

21 MR. MC NEELY: There is no way. You don't have  
22 to start counting days and stuff necessarily, because if  
23 there is appeal in process, we're going to send a final  
24 determination out.

25 CHAIRPERSON CLEMENT: What would happen if you

1 didn't send the final determination out?

2 MR. MC NEELY: If we didn't, I mean, by law the  
3 interim determination becomes final and they can appeal it  
4 within 30 days.

5 CHAIRPERSON CLEMENT: Would they get lost in that  
6 time period because they're waiting for the final  
7 determination letter, or would they have to assume that  
8 even if they didn't get the final determination letter in  
9 that time period that it's final and then they need to go  
10 to formal appeal?

11 MR. MC NEELY: Okay. They could assume that  
12 after the 15 days are up, that it's final. If they wanted  
13 to do a formal appeal at that point, they are more than  
14 welcome to do a formal appeal because it's final. We  
15 always -- but if it went like 30 days -- they're not going  
16 to miss their formal appeal because we'll always -- even  
17 if we're late, we're going to send, basically it's like a  
18 revised final determination saying, hey, now you have  
19 30 days to appeal this, because we're not going to let  
20 someone miss their appeal rights.

21 We try to do it all the time, but we will always  
22 send a letter out. So, if they want to count days and do  
23 a final determination, they are more willing to do that,  
24 or you are able to do that; but if not, we're still going  
25 to send the final determination out at a later date.

1           CHAIRPERSON CLEMENT: One of the things that has  
2 been brought to my attention is that sometimes the agency  
3 does not meet those days.

4           MR. MC NEELY: Right.

5           CHAIRPERSON CLEMENT: And is the applicant still  
6 subject to their time frames even if the agency doesn't  
7 meet those dates?

8           MR. MC NEELY: What time frames?

9           CHAIRPERSON CLEMENT: Well, I was under the  
10 assumption, and this, I think, is being corrected in this  
11 discussion, that the agency makes a final determination  
12 and sends out a letter, and that's a benchmark, and then  
13 from that benchmark, the applicant has their appeal  
14 rights.

15          MR. MC NEELY: Right.

16          CHAIRPERSON CLEMENT: But what I'm hearing you  
17 say is, it's not required that the agency send out the  
18 final determination letter because the final determination  
19 is in place regardless of whether they receive the letter  
20 or not.

21          MR. MC NEELY: Right. When we put our interim  
22 determination we have -- in that letter we say, this  
23 determination will become a final determination within  
24 45 days of receipt.

25          So, after 45 days, that becomes a final



1 determination, so they can go ahead and appeal it.  
2 Rather, if they miss the informal appeal, they can appeal  
3 it with a formal appeal at that point.

4 CHAIRPERSON CLEMENT: What if you are in the  
5 process after a meeting and you are exchanging information  
6 to avoid all of this, you know, and everybody is meeting  
7 their 60-day submittal dates, but it may take the agency  
8 longer for review process, what happens to the applicant  
9 at that point? Are they required then to file a formal  
10 appeal even though you're in the middle of what basically  
11 is a negotiation?

12 MR. MC NEELY: No, They're not required to  
13 because we are going to send a final determination letter  
14 out every time. If they give us a whole bunch of  
15 information to review, a lot of times it's really an  
16 agreement. There is no way we can do a final full review.

17 A lot of times these informal appeals are, you  
18 know, we send out an interim determination, you didn't  
19 submit the report, you didn't do that, and they submit the  
20 report to us during the appeal process, and we can't  
21 process it that quickly.

22 MS. HUDDLESTON: Is it fair to say that anytime  
23 they do an informal appeal, you send out a final  
24 determination?

25 MR. MC NEELY: Yes, in all cases we do that.

1 MS. HUDDLESTON: So if they do informal appeals,  
2 the final determination would be sent. It's only if they  
3 don't do the formal appeal that the original interim  
4 becomes final?

5 MR. MC NEELY: Right. And even in that case we  
6 send out a letter, too. What we try to do is always send  
7 out a final determination letter in all cases.

8 CHAIRPERSON CLEMENT: But just help me  
9 understand, then. If you are in the middle of a  
10 negotiation -- I mean, I just want to -- because I've been  
11 getting questions about this and I don't understand the  
12 process fully because I don't operate in it. But if you  
13 are in the middle of a negotiation after a meeting and  
14 they've submitted a bunch of stuff and it takes you a  
15 bunch of time to review it, and that 60 days elapses, are  
16 they still then going to have on -- when do they lose  
17 their right to file a final appeal?

18 MR. MC NEELY: I'm saying they don't ever lose  
19 their right until we send out the final determination and  
20 30 days pass.

21 CHAIRPERSON CLEMENT: Okay. So if at the end of  
22 that post meeting negotiation everybody is still not  
23 satisfied --

24 MR. MC NEELY: Right.

25 CHAIRPERSON CLEMENT: -- they still would have

1 30 days after a certain point in that negotiation or not?

2 MR. MC NEELY: After we send out the final  
3 determination, they will have 30 days.

4 CHAIRPERSON CLEMENT: Okay.

5 MR. MC NEELY: Parties are not missing -- we're  
6 very lenient with the appeals. We make sure that if they  
7 are going to appeal it, they have every opportunity to  
8 appeal it. It's not like they have to count and they miss  
9 the count. The only time they would have to count for  
10 formal is if we gave them a final determination and said,  
11 yes, 30 days from this point, then they have to count the  
12 30 days. But it's not like the interim turns to a final  
13 and then they have to count, because we are going to send  
14 that final determination letter out.

15 CHAIRPERSON CLEMENT: What would happen if for  
16 some reason, because nobody is perfect, the final --  
17 except for some of us on the Commission -- a joke -- but  
18 what would happen if somebody failed to send out the final  
19 determination letter and the applicant is waiting for that  
20 to trigger their action and they didn't get it?

21 MR. MC NEELY: This is in what scenario? We had  
22 an informal appeal meeting, too, we had a meeting?

23 CHAIRPERSON CLEMENT: Yes.

24 MR. MC NEELY: We will send a letter out. If  
25 they call us up and say you didn't send a letter, if

1 something went wrong or got lost in the mail, we will  
2 re-send a letter. We send a letter out every time,  
3 because you have meetings, we have discussions. We have  
4 to make a determination based on what we talked about.

5 CHAIRPERSON CLEMENT: After a meeting, do you  
6 formalize what's required of the applicant?

7 MR. MC NEELY: That's what the final  
8 determination is.

9 CHAIRPERSON CLEMENT: Okay.

10 MR. MC NEELY: We will talk, we will say we are  
11 going to hand in this. And a lot of times you don't make  
12 decisions right at the meeting, because they will say  
13 we're going to give you this information, that  
14 information. So, okay, we will look at it, get it to us.  
15 A lot of times it goes both ways. A lot of times we wait  
16 a long time to get information.

17 CHAIRPERSON CLEMENT: There is not, then, at the  
18 end of a meeting a letter that says we agreed that you  
19 will receive -- we will receive this from you by such and  
20 such or even the applicant saying we agreed that we will  
21 submit to you such and such by such and such?

22 MR. MC NEELY: There is minutes. We take little  
23 meeting notes.

24 CHAIRPERSON CLEMENT: And the meeting notes  
25 become kind of a formal document relative to the meeting?

1           MR. MC NEELY: It's -- well, I don't know if it's  
2 a formal document, but it's part of the public record. We  
3 fill it out; we fax it to them.

4           CHAIRPERSON CLEMENT: And they also receive that?

5           MR. MC NEELY: Right.

6           CHAIRPERSON CLEMENT: So then they would have an  
7 opportunity to correct the meeting minutes, which said, I  
8 will give you something by such a date?

9           MR. MC NEELY: Right.

10          MS. YOUNG: Excuse me, sorry. I'm Angie Young,  
11 and I'm from Tierra Dynamics.

12          CHAIRPERSON CLEMENT: Excuse me, this is not an  
13 open call to the public yet, and I'm sorry, I'm not  
14 shutting you down, but we have to follow a process being a  
15 public meeting. And at the end of our discussion, because  
16 this is such a hot topic to several of you that are in the  
17 audience, I will call for a general comment, but this  
18 isn't a discussion now, and I apologize.

19          MS. YOUNG: I will just make a note. Thank you.

20          CHAIRPERSON CLEMENT: Any other comments or  
21 questions for Mr. McNeely at this point?

22          MR. BUNCH: I have a question, because I am  
23 somewhat new to this process as well. As we get closer to  
24 the deadline for both submitting preapproval work plans  
25 and for reimbursement claims, we will probably find that

1 some of the constituents want to meet with the Department,  
2 so that the process moves more smoothly to give everyone  
3 time to get the corrective action done associated with  
4 those preapprovals, how binding typically are the  
5 meetings? For instance, if you sit down with the site  
6 managers and the SAF personnel and you agree on a path  
7 forward so that everything moves smoothly, is that  
8 typically a binding discussion?

9 MR. MC NEELY: I'm not sure what you mean by  
10 binding, but typically, we have facility meetings all the  
11 time. We have been encouraging facility meetings with all  
12 of the work that's going on out there, and I think it  
13 would be great to have a facility meeting before work is  
14 submitted to figure out what scope of work is.

15 But in general these meetings -- you don't have  
16 all the details. You'll say, yeah, I'm going to do a  
17 system, and then we still have to look at if your  
18 proposing and then we may have some details to work out.  
19 So, in terms of binding, there is nothing legally that --  
20 we can't say no, we're not going to accept this, but in  
21 terms of -- it should work in terms of concepts, if it's a  
22 good meeting, it should -- you know, there shouldn't be  
23 any issue with it.

24 MR. BUNCH: I'm just aware of certain situations  
25 where you need to discuss because we are up against time

1 lines.

2 MR. MC NEELY: Right.

3 MR. BUNCH: And the preapproval or the interim  
4 decision ends up being 180 degrees away from what was  
5 collectively decided. And, of course, that puts the  
6 responsible party in a odd position because they're now at  
7 loss potentially 60, 90, 120 days when time is very  
8 precious. I'm wondering how that could be corrected,  
9 perhaps.

10 MR. MC NEELY: Call a meeting with Joe  
11 Drosendahl, because I haven't been aware of that  
12 happening. And if you're meeting with the project manager  
13 by himself or herself, then I would say you probably want  
14 to pull in the unit manager, or Joe, section manager. I'm  
15 more than willing to meet with people, and we do it all  
16 the time. But if you are going to meet individually with  
17 somebody, you know, it goes up the chain of command. If  
18 someone is approving something that we can't approve  
19 legally, then we're not going to approve it, even if  
20 someone said they thought it was a good idea.

21 So, you really just need to -- we try to  
22 communicate internally, but typically when we meet, the  
23 project managers, the unit managers are there, and a lot  
24 of times Joe's there, too.

25 MR. BUNCH: Okay. I think a lot more of this

1 activity is probably going to happen as we get closer, and  
2 it would be just good for all involved to have some  
3 comfort that if there is agreement -- or the interim  
4 determinations are going to reflect reasonably what, you  
5 know, is collectively decided.

6 CHAIRPERSON CLEMENT: Would it be the interim  
7 determination at that point that would become final, was  
8 it after the meeting, just so I'm clear?

9 MR. BUNCH: Oh, in this particular scenario, the  
10 meeting might have been prior to any decision to ensure  
11 that --

12 CHAIRPERSON CLEMENT: I understand that. Thank  
13 you.

14 MR. BUNCH: -- the preapproval work plan was  
15 consistent with what was going to be acceptable.

16 MR. MC NEELY: And that's the way we'd rather do  
17 it; not an appeal. Do it before you submit the  
18 preapproval, before you install the system. It would be  
19 better to talk ahead of time than after the fact.

20 CHAIRPERSON CLEMENT: We are going to be wanting  
21 --

22 Yes, Ms. Gaylord.

23 MS. GAYLORD: I'm unaware of the current  
24 controversy that apparently exists, and maybe we will  
25 learn about that in maybe a few minutes, but I've been



1 through a couple of the appeal processes, and the process  
2 seems to be designed to allow a lot of flexibility. I've  
3 managed to successfully resolve the few issues I've had,  
4 and there have been a couple of references to a meeting in  
5 the informal process. In fact, the Department has gone so  
6 far as to have a whole series of meetings with me in the  
7 informal process, and that's why giving them that  
8 flexibility means that the date of the letter of the final  
9 determination isn't necessarily going to come -- it's not  
10 going to come the day after your meeting. It's not going  
11 to be one meeting. It's not fixed in stone, and actually  
12 I've really appreciated that.

13 In one case where we had complex ownership  
14 determinations, the Department took quite a bit of time,  
15 and we really appreciated it, to straighten out who owned  
16 what and how, you know, how the site came to be owned by  
17 its current owner. And it took several meetings and  
18 research and submittal of documentation, so I'm not sure  
19 if the controversy involves a desire to fix in time the  
20 point where the letter comes, but just, if it does, I  
21 would really resist that because I've really appreciated  
22 the flexibility of the process.

23 MR. MC NEELY: And this process was put into  
24 statute in 1998. It's been a decade old, and I haven't  
25 heard anything negative about it, so I'm not sure -- no

1 one's talked to me and I've talked to Tara Rosie, and  
2 she's not aware of any issues.

3 CHAIRPERSON CLEMENT: I think we will be hearing  
4 some.

5 MR. MC NEELY: Okay.

6 CHAIRPERSON CLEMENT: What I've heard just to --  
7 and it may sound jumbled because I wasn't clear about the  
8 process, which is why I asked that we have it on the  
9 agenda, but what I had heard is that there can be a  
10 confusion between when people have to file their appeals,  
11 and there can be a time delay that is holding back payment  
12 that the owners and operators are not comfortable with as  
13 this process goes forward.

14 So, you know, that's not casting aspersions on  
15 the agency or any of the owners and operators, it's just  
16 the perception that I've been receiving from several  
17 people.

18 MR. MC NEELY: And one thing we do is we pay --  
19 whatever we approve, we pay. You know, in theory, we  
20 probably could hold off with that money until the final  
21 determination is done, but we don't really want to put  
22 owners/operators through financial hardship while we go  
23 through this long informal or formal appeal process. So  
24 we pay whatever we can up front. So what's being held  
25 onto is what was denied in the first place. So, we really

1 try to work as much as we possibly can within the law.

2 CHAIRPERSON CLEMENT: Thank you.

3 Any other questions from the Commission or  
4 comments?

5 Anything else you want to share, then? I mean,  
6 once we get -- then they go to the formal appeals, and  
7 maybe we can go on with that.

8 MR. MC NEELY: The only thing I would like to  
9 share is, if there is issues, and if they're process  
10 issues, they should run it up the chain of command. I'm  
11 always in my office. The phone doesn't ring anymore. And  
12 I'm assuming everything is fine. So, if the phone doesn't  
13 ring, I'm not fixing a process, because I think it's  
14 working. So, until you give me the agenda item like a few  
15 days ago, week ago, what's the issue. I mean, that's  
16 really not the best way to solve problems in a public  
17 forum.

18 CHAIRPERSON CLEMENT: I would encourage anyone  
19 that has an issue with the program to contact the  
20 Department directly. I mean, we're here to do the best we  
21 can, you know, to bring the policy issues forward. That's  
22 our job is policy. But if there is process that needs to  
23 be clarified or approved, Phil is the first point of  
24 contact. Personally, from my experience, he's been  
25 extremely helpful and cooperative in resolving substantive

1 issues.

2           So, then, could we just go from the formal, just  
3 kind of finish the whole thing?

4           MR. MC NEELY: From the formal, now the formal  
5 time frames are out of our control. Once we get a formal  
6 appeal, we send it over to the Office of Administrative  
7 Hearings, and they will schedule -- there is two requests.  
8 One can be a request for ISC, which is an interim --  
9 what's that stand for -- Interim Status Conference. If  
10 there is that, we are supposed to schedule that within  
11 15 days after receiving the request. That's supposed to  
12 be like within ten days of the hearing. The hearing all  
13 the time is scheduled by OAH, and that can be way out in  
14 the future. And it seems like in most cases these get  
15 delayed quite a bit, because we're negotiating. This ISC  
16 will have numerous meetings, they're trying to resolve it,  
17 go back and forth, so it's not -- that's not set in stone  
18 at all, either. So these seem to take longer.

19           And then if you request a technical appeals  
20 panel, if you have an informal appeal, and it's a  
21 technical issue, then you can request that or we can  
22 request it. The scheduling, that can take months and  
23 months and months, so it can get really dragged out. So  
24 really the best option is to solve it before you get to  
25 hearing. In most cases you do.

1 CHAIRPERSON CLEMENT: Any other questions or  
2 comments on that?

3 Anything else, Mr. McNeely.

4 MR. MC NEELY: No. That's all I have.

5 CHAIRPERSON CLEMENT: And because this has been a  
6 topic of concern that I've received e-mails on, we're  
7 going to open up, if that's acceptable, public comment on  
8 this particular issue at this time. And I think we had  
9 one member of the audience that wanted to speak.

10 MS. YOUNG: Yes. I'm sorry, I've never been to  
11 one of these, so you'll have to forgive me.

12 I actually had a comment directly related to Phil  
13 saying that the minutes from the informal appeal meetings  
14 are being sent. They're actually in most cases not being  
15 sent. They have to be requested, and I'm not sure why  
16 that is. Perhaps they are being sent to the applicant.  
17 But in the cases where a consultant is acting on behalf of  
18 the applicant, the consultant is not being copied. So me,  
19 as a consultant, I know that if I want a copy of the  
20 meeting notes, the meeting that I participated in as the  
21 applicant's representative, I have to request those.  
22 They're not automatically sent.

23 CHAIRPERSON CLEMENT: Just for the record, could  
24 you just state your name again?

25 MS. YOUNG: My name is Angie Young, and I'm with

1 Tierra Dynamics.

2 CHAIRPERSON CLEMENT: Thank you.

3 MS. YOUNG: Then I had just one other question.  
4 If the formal appeal deadline is missed, is that the end  
5 of the line or can denied costs be resubmitted in the form  
6 of another application?

7 MR. MC NEELY: I'm really not supposed to answer  
8 questions, but I will answer that.

9 CHAIRPERSON CLEMENT: I think it's appropriate.

10 MR. MC NEELY: If you missed it and it's final,  
11 you cannot resubmit those costs. That's our new rule that  
12 went into effect a few years ago.

13 MS. YOUNG: Okay.

14 MR. MC NEELY: And if you submit those new costs  
15 by application, we'll send the whole application back and  
16 deny the entire thing even if it's just one invoice.

17 MS. YOUNG: Okay.

18 MR. MC NEELY: But what you can do at that point,  
19 you can withdraw that invoice and submit an application  
20 without the cost, and then we will process that, but there  
21 is no recourse to get paid for denied costs.

22 MS. YOUNG: I'm sorry, you can withdraw after?

23 MR. MC NEELY: If you submit an application in  
24 the future that has costs that are already submitted and  
25 denied, we'll send that whole application back to you.

1 MS. YOUNG: Right.

2 MR. MC NEELY: But the way to fix that  
3 application is to take out whatever was resubmitted and  
4 then submitting a new application without the denied cost.

5 MS. YOUNG: But you have to withdraw within the  
6 time frame of the appeals process; is that right?

7 MR. MC NEELY: Right. Because what will happen  
8 is that will become a final determination, and then that  
9 whole application will be denied and you will never be  
10 able to resubmit that.

11 MS. YOUNG: Okay.

12 CHAIRPERSON CLEMENT: Is that -- I know when we  
13 really worked on that rule package and there was a lot of  
14 controversy for those that were on the Commission at that  
15 point in time, and one of the key areas was the final, you  
16 know, after the formal appeal deadline is not made, you  
17 are gone. There is no other option. And that was a key  
18 issue, and that's when the withdrawal policy became more  
19 apparent and more obvious, and we formalized that, and the  
20 agency formalized that.

21 Is that clear now to the applicants and to the  
22 regulated community what that withdrawal policy is? I  
23 thought it was, but I'm hearing from somebody in the  
24 audience here that is clearly knowledgeable about the  
25 program and was not perfectly clear about that.

1 MR. MC NEELY: We think it's clear, and in our  
2 informal meetings or ISCs, we make that very clear that if  
3 that's the reason we sent it back, they have to withdraw  
4 that and submit a new application.

5 CHAIRPERSON CLEMENT: So your correspondence  
6 would be very clear about what that meant?

7 MR. MC NEELY: Right. Even on the phone, I mean,  
8 we don't hide it, we don't wait for the final  
9 determination and say we gotcha. We don't do that at all.  
10 We say resubmit it. Then they'll resubmit it. You can't  
11 resubmit the invoices, so, it's I think we're very clear.

12 CHAIRPERSON CLEMENT: I think we have another  
13 member of the audience that would like to speak.

14 MR. MORGAN: Rick Morgan, ATC.

15 CHAIRPERSON CLEMENT: Mr. Morgan.

16 MR. MORGAN: Part of the issue here, and this is  
17 from somebody who submits a lot of applications, does a  
18 lot of appeals, formal appeals, informal appeals, you've  
19 got to work with the Department, like Karen Gaylord was  
20 saying, and they're willing -- there is a lot of leeway  
21 there, as long as you are within the rules. And getting  
22 paid for stuff that you did that contributes to the  
23 corrective action, I don't see what the big controversy  
24 is.

25 CHAIRPERSON CLEMENT: Thank you.



1           Any other members of the audience want to have  
2 public comment at this point?

3           Okay. Any other Commission discussions? Mr.  
4 Bunch.

5           MR. BUNCH: Just one comment. I've heard the  
6 word "controversy" referenced twice now, and I'm not sure  
7 I've heard of any controversy for the record. I think  
8 what I heard was some requests for clarification in the  
9 process, and so I think we can all feel pretty comfortable  
10 that it doesn't appear to be a lot of controversy around  
11 the process. I think there is, what I heard, some  
12 questions about time frames and whatnot, and --

13           CHAIRPERSON CLEMENT: I think it depends on who  
14 you speak with, and so I'm sure that there are some  
15 members of the regulated community that would prefer to  
16 use clarification and some that would prefer to use  
17 controversy. I think we received clarification, and  
18 unless the Commission has additional questions, I'm ready  
19 to move on. Thank you.

20           Oh, we have another comment here. And if you  
21 could for the record state your name and also fill out one  
22 of those forms so we have it for the record. Thank you.

23           MR. WALDNER: Jerry Waldner. I'm with the  
24 Environmental Professional Services.

25           I would just like to make a comment about the

1 informal appeal meeting. Usually there are meeting notes,  
2 and if you ask, you can sometimes get a copy of it  
3 before you leave the meeting, so that may be a way to  
4 address that. Thank you.

5 CHAIRPERSON CLEMENT: Thank you very much.

6 Anyone else?

7 Okay. I think that that clarification is  
8 complete. Okay.

9 MR. MC NEELY: Okay.

10 CHAIRPERSON CLEMENT: Anything else? We are on  
11 to you again.

12 Anything else on Agenda Item 3?

13 MR. MC NEELY: No. That's all I have.

14 CHAIRPERSON CLEMENT: Okay. No. 4.

15 MR. MC NEELY: No, 4, discussion of recent  
16 legislation and rules affecting the UST program.

17 I will quickly talk about the budget. You know,  
18 the budget's been a big issue and the legislature has been  
19 looking for money to sweep. Well, twelve million was  
20 swept, and I think you are aware of that last time. They  
21 took twelve million a couple of weeks ago from our funds,  
22 so right now our SAF balance is \$18 million.

23 And the way we swept it, we left nine million in  
24 Maricopa and nine million in non-Maricopa. So, as of  
25 right now we're fine in terms of paying our claims and

1 making all of our commitments.

2           The revenue's coming in, even though people  
3 aren't driving as much, we've been looking at it, it still  
4 looks like we'll be getting about 30 million this year if  
5 it keeps going the way it looks like it's going to keep  
6 going. So we should be fine. The maximum we've ever  
7 spent is about 30 million in a year, so I think by the end  
8 of the year we should have a balance that's okay.

9           But the thing to look for is in January when the  
10 session starts again, I don't think the revenue's going to  
11 be coming in next year either, because once the economy  
12 recovers, it still takes about a year or so for the  
13 business to write off all their losses and stuff, so it  
14 takes a year or two to actually start getting revenues in.

15           So, I think next session you will be looking at  
16 all pots of money to balance the budget. So we've got to  
17 keep our eyes open, but we're good for another year 'cause  
18 they're not going to take it between now and next  
19 June 30th, but next year would be another challenge to see  
20 what happens.

21           CHAIRPERSON CLEMENT: And we will need to stay  
22 really on top of that.

23           MR. BUNCH: And it sounds like from our last  
24 meeting that you had a contingency case, say you were  
25 flooded with claims towards the tail end of the sunset,

1 would the remedy be to sort of delay corrective action so  
2 that you could spread out over more time the processing of  
3 claims? Is that kind of what I heard?

4 MR. MC NEELY: I don't remember.

5 MR. BUNCH: We had talked about not knowing total  
6 cost of closure, what the total liability was of the SAF.  
7 And I think what I recall hearing was that the State's  
8 going to pay if there's an eligible claim, but I'm not  
9 sure I understood what the contingency was, if we get  
10 flooded with claims towards the tail end and your  
11 historical spend doesn't match the actual spend that comes  
12 in.

13 MR. MC NEELY: Well, the way that Senate Bill  
14 1306 was structured, you keep paying after June 30th,  
15 2010, you know, the pending tax keeps going to 2013, and  
16 you keep paying those claims off. So, if we've got a  
17 bunch of claims and we don't have money in, then we keep  
18 paying the claims.

19 My concern would be that if we have to start  
20 ranking, then the owner/operators and volunteers would  
21 quit doing the work, probably, so we won't get the claims  
22 in, but we won't get the work done, and that would be even  
23 more of an issue for me is not getting the sites cleaned  
24 up.

25 But, what we have in Senate Bill 1306 is in

1 September of 2009, we're supposed to submit a report to  
2 the legislature and the Governor saying how is this sunset  
3 process looking, are we going to make it. So I think at  
4 that point, if they sweep more money and we can't pay  
5 claims, then I guess that would be the point in that  
6 report, you know, say, hey, we're having some issues  
7 meeting this. So we have -- at least there is a way, a  
8 process to communicate the issues that we may have by next  
9 year.

10 CHAIRPERSON CLEMENT: Okay.

11 MS. HUDDLESTON: I have another meeting, but Joe  
12 Mikitish is coming in.

13 CHAIRPERSON CLEMENT: Okay. Thank you.

14 MR. MC NEELY: Continuing along with recent  
15 legislation, we did get that Senate Bill 2425 passed,  
16 which -- or house bill, excuse me, which is the Energy  
17 Act, the UST, and we sent a fact sheet out to our e-mail  
18 list of -- and hopefully everybody received it. It's  
19 House Bill 2425, just to remind everybody. And we reached  
20 out to one other group, the Arizona Trucking Association.  
21 They talked to the APMA, and they said, hey, there's a lot  
22 of distributors in that group. So we sent it to them and  
23 they responded, and they were sort of happy with the  
24 legislation. Some of them were saying it's about time,  
25 you know. Apparently some of these deliverers did not

1 want to deliver to substandard tanks, so I think they were  
2 well received. So we're going to try to keep  
3 communicating with them, because really the truckers are  
4 people that have to recognize a red tag, have to know what  
5 it looks like, and they are the ones that have to know  
6 about going on our website to see if there is a red tag  
7 because they are liable if they pump fuel into a red tag  
8 tank. So we're going to keep going with that outreach  
9 with them and try to maybe talk to them and do  
10 presentations if they have meetings. I'm not sure if they  
11 do or not yet.

12           So, we sent the fact sheet out. That's the first  
13 step. We're going to talk more about it on October 15th,  
14 but, in terms of the rules, we don't think we need rules  
15 to implement the secondary containment requirement. We  
16 don't think we need rules to implement the red tags.

17           We do need rules to implement the training  
18 requirements, to figure out really what that is going to  
19 entail, but that's not required until 2012, so we have a  
20 little bit of time. We are hoping that EPA steps up and  
21 develops some good training that we can just use, because  
22 we don't really want to have to develop training ourselves  
23 in Arizona because it's the same standard across the  
24 country, and it would be nice to have a standardized  
25 training, but they haven't stepped up yet to do that.

1           MR. BUNCH: Are you concerned at all about folks  
2 being confused by reviewing Title 18 and looking at tank  
3 standards if you are not proposing or updating those  
4 rules? I mean, if one were to go by Title 18, one would  
5 assume single walled components.

6           MR. MC NEELY: We are updating our -- we are  
7 going to update the rules for that, and we will probably  
8 make that more clear, but we don't think we absolutely  
9 need to update the rules on secondary containment. And  
10 that's why we do want to send the fact sheets out and have  
11 public meetings saying, hey, secondary containment now,  
12 and the Fire Marshalls are the people who actually going  
13 to see the installs, we are talking to them, but that  
14 could cause some confusion.

15           MR. BUNCH: We've seen other states amend their  
16 UST rules to reflect legislation requirements, secondary  
17 containment, et cetera.

18           MR. MC NEELY: We do plan on doing that, but we  
19 don't think it's required to implement this.

20           MR. BUNCH: I see.

21           MR. MC NEELY: We are going to update the rules  
22 because they were back in -- I think they were passed in  
23 the '95 or '96, and they refer to fire code that's  
24 outdated. They refer to ASTM standards that are outdated,  
25 so we are going to try to update all that, but we're not

1 going to get that done before January.

2 MR. BUNCH: Okay.

3 CHAIRPERSON CLEMENT: So the requirement is  
4 January for the secondary containment, and that will be in  
5 place because it's statutory, and then the rule correction  
6 will proceed. Do you have a time frame, do you know?

7 MR. MC NEELY: We're getting pretty close to open  
8 the docket and start having public meetings on that. But  
9 what I'm worried about, fixing the UST standard would be  
10 quick, but doing the training requirements, I think that  
11 might take a little more time to figure out what to put in  
12 rule.

13 CHAIRPERSON CLEMENT: So you may end up having  
14 two rule packets to fix the existing rules to be  
15 consistent with statute and then perhaps a secondary  
16 package for the training?

17 MR. MC NEELY: We weren't really planning on  
18 doing two. We'd rather do it all in at once, but that  
19 could be an option if we are running into some issues. I  
20 really don't want to put too much into the rule without  
21 knowing what the training module is going to look like,  
22 but we could probably be sort of vague in that sense in  
23 the rule, I guess, or give us the flexibility, I should  
24 say, would be a better answer.

25 CHAIRPERSON CLEMENT: If you don't know, have the



1 module yet to draft your rules, that's going to  
2 incorporate what's the training's going to be, so if you  
3 need to write the rule, you're going to have to build in  
4 some flexibility for that.

5 MR. MC NEELY: Okay.

6 CHAIRPERSON CLEMENT: Go ahead.

7 MR. MC NEELY: That's all I have for the updates.

8 CHAIRPERSON CLEMENT: And just as a member of the  
9 Commission, I did receive from the agency the fact sheet.  
10 I did receive the e-mail, the notice on the final bill and  
11 the statutory changes, and I think everybody should have  
12 received that information.

13 MS. CHABERSKI: Are you putting that on the  
14 website so that it's all available?

15 MR. MC NEELY: It's on our website, also. And we  
16 also have on our website a countdown clock, which is sort  
17 of controversial. It says countdown for when you can  
18 submit a preapproval application with little numbers.

19 That was Joe Drosendahl, he really wanted to have  
20 that countdown clock, and then when you can actually  
21 submit your last claim, but, I don't know, it's like a  
22 doomsday clock. I don't know how that would go across, so  
23 we put it up there, and I haven't heard anything too  
24 negative, but...

25 CHAIRPERSON CLEMENT: I think your website has

1 gotten better and better over the years, and there is a  
2 lot of information on your website that's very easy to  
3 access, and kind of think the clock is a good idea,  
4 personally. You can't afford seeing it. It's right  
5 there.

6 MS. CHABERSKI: No question.

7 CHAIRPERSON CLEMENT: No question. So you could  
8 actually access the DEQ website, you really cannot miss  
9 most of the stuff.

10 Any other items or comments on that?

11 We will move on to the Evaluation Subcommittee  
12 update with Mr. Bill Bunch.

13 MR. BUNCH: This is going to be a very long and  
14 tortuous summary. No, we did not have an Evaluation  
15 Subcommittee meeting, so there is not much to report.

16 CHAIRPERSON CLEMENT: Is there any intention in  
17 the next several months for another evaluation or an  
18 Evaluation Subcommittee meeting?

19 MR. BUNCH: You know, I don't really think  
20 there's a topic that warrants our discussion. We worked  
21 through the red tag issue. Maybe as we get closer to one  
22 to tackle, you know, the Title 18 updates, that might be a  
23 good topic for us to roll our sleeves up around.

24 CHAIRPERSON CLEMENT: Okay. Good.

25 Any comments or discussion, questions for Mr.

1 Bunch?

2 Then we will move on to the Technical  
3 Subcommittee update. And, thank you, Ms. Chaberski, for  
4 your participation, and our co-chair person, Cathy  
5 Chaberski, will give the update.

6 MS. CHABERSKI: I have a question, because this  
7 is the first time we've gone through the process. This is  
8 is first time we've gone through the process and we  
9 implemented that we take meeting notes, so just from the  
10 big picture point of view, after the Technical  
11 Subcommittee meeting, we summarize action items and  
12 recommendations on paper, and then they're submitted to  
13 the agency. And then in the interim, we receive back  
14 comments from ADEQ on every one of our recommendations.

15 So, my question to you is, do we take all of the  
16 recommendations -- we haven't had a chance to meet and  
17 look at the responses. Do you want to hear our action  
18 items and our recommendations? Or how would you like me  
19 to report back on this?

20 CHAIRPERSON CLEMENT: I think we should hear it  
21 all unless there is a problem legally, because this is a  
22 formal meeting. You had a formal meeting and now we're  
23 providing additional information on top of that, I think.

24 MS. CHABERSKI: And then I guess for the  
25 follow-up for the next time, I don't know if this made

1 into packets. It was sent out to us at the meeting, you  
2 know, to agree; and I don't know if it should be part of a  
3 packet in the future so that the folks can read along.  
4 It's sometimes hard for -- I mean, if it goes in the  
5 record is one thing, but just for future consideration.

6 CHAIRPERSON CLEMENT: What we might want to do,  
7 because I know someone needs a break right now on the  
8 Commission, and if that someone leaves, we don't have a  
9 quorum, so maybe we could take that and copy it and take a  
10 short break. And I apologize, we're going to take about a  
11 five to ten minute break here and get this copied and you  
12 will also have a chance to get some copies.

13 MS. CHABERSKI: Okay. So I'm going to copy the  
14 one that has everything on there including the DEQ  
15 response; correct?

16 CHAIRPERSON CLEMENT: Okay. Then if you could  
17 make enough just so that perhaps the people in the  
18 audience could have a copy.

19 (At this time, Mr. Joe Mikitish joins the Policy  
20 Commission.)

21 (A recess was taken at 9:56 a.m.; resumed at  
22 10:04 a.m.)

23 CHAIRPERSON CLEMENT: We are resuming the  
24 August 27th, 2008 UST Policy Commission meeting, and Ms.  
25 Chaberski, the Technical Subcommittee Chair, is speaking

1 now.

2 MS. CHABERSKI: I think probably what would be  
3 appropriate, if you want me to just read through all of  
4 these for the record.

5 And then secondly, we haven't had a meeting to  
6 discuss if the ADEQ response is acceptable to us.

7 CHAIRPERSON CLEMENT: Right.

8 MS. CHABERSKI: So, I'm not going to speak to  
9 that issue. I think when we talk about further, the next  
10 meeting, we could bring this back to the Technical  
11 Subcommittee and go through those, and if anyone has a  
12 further issue, does that make sense?

13 CHAIRPERSON CLEMENT: Yes.

14 MS. CHABERSKI: Okay. On July 9th, the  
15 subcommittee talked about two major items, which was the  
16 MNA, Monitored Natural Attenuation program, a potential  
17 SAF cost schedule changes, so I'm going to go through the  
18 action items, the recommendations, and a recent ADEQ  
19 response.

20 Number one action item is the creation of a MNA  
21 CAP or modification of existing CAPs reimbursable by SAF.  
22 The committee's recommendation was have ADEQ respond to  
23 the question, and if documents are not reimbursable, have  
24 ADEQ provide justification.

25 The response by ADEQ is since a MNA corrective

1 action plan or modifying existing CAP to include MNA is a  
2 requirement for eligibility for the MNA program, the costs  
3 associated with these documents are reimbursable by the  
4 SAF.

5 CHAIRPERSON CLEMENT: And just to ask you a  
6 question, at this point there is really no further action  
7 that you would recommend in the next meeting?

8 MS. CHABERSKI: Not unless someone else had an  
9 interpretation or another question or comment that stemmed  
10 from that. So I'm still going to bring all of these back.  
11 It looks like there would be no further action, but I will  
12 bring back the whole thing and say, any follow-up  
13 questions or comments. I think that might be appropriate  
14 since the committee didn't get together to respond so...

15 CHAIRPERSON CLEMENT: Thank you.

16 MS. CHABERSKI: Yes.

17 Next: Add to MNA CAP outline that three  
18 alternative methods do not need to be included.

19 The recommendation: Have ADEQ revise MNA program  
20 guidance. And ADEQ responds that they agree the MNA  
21 program guidance will be revised as applicable.

22 CHAIRPERSON CLEMENT: Same thing.

23 MS. CHABERSKI: Yeah, appears to be settled.

24 Action item: Have ADEQ provide documentation  
25 that an existing approved CAP already meets the CAP

1 requirement of the MNA program.

2 Recommendation: Have ADEQ provide documentation  
3 upon request by a UST owner, operator or volunteer.

4 ADEQ agrees they will inform the staff to respond  
5 to requests from UST owners, operators or volunteers as  
6 appropriate.

7 Action item: After the SAF ends on 7-01-2011,  
8 can a LUST site be eligible for the MNA program if it was  
9 SAF eligible before 7-1-2011?

10 Recommendation: Have ADEQ respond to this  
11 question and revise the MNA program guidance as  
12 applicable.

13 The response, ADEQ response: No. The AAC, the  
14 Arizona Administrative Code states that to be eligible for  
15 the MNA program, a MNA program application has to be  
16 submitted and approved by ADEQ before July 1, 2010.

17 Second part to that, for UST release to be  
18 eligible for the MNA AAC, et cetera, et cetera, states  
19 that UST release must be reported to ADEQ before July 1,  
20 2006, and meet the SAF eligibility requirements of the  
21 statute. Therefore, if the UST release is eligible for  
22 the SAF -- do I have to go back and read all the  
23 citations?

24 CHAIRPERSON CLEMENT: No.

25 MS. CHABERSKI: -- and in accordance with the

1 statute, but has exhausted the applicable coverage limit,  
2 in accordance with the statute, the UST release is still  
3 eligible for the MNA program if it meets the other  
4 requirements of the MNA program.

5 And then on the potential SAF cost schedule  
6 changes, there was someone who wasn't at the meeting about  
7 considering reducing specific cost schedule line items.  
8 The committee members present decided no, and we didn't  
9 ask ADEQ for a response, so nothing was required for that.

10 And that summarizes the July 9 Subcommittee  
11 Technical meeting.

12 CHAIRPERSON CLEMENT: And then let's talk process  
13 now, what you would like to see we do in the future  
14 regarding how we integrate the two subcommittees into the  
15 Commission, meaning that these documents -- I think what  
16 you were are suggesting is that this document be part of  
17 our packet?

18 MS. CHABERSKI: Well, I'm not sure. Actually I  
19 was surprised, and it was great that ADEQ responded in the  
20 interim. I'm not sure that's a requirement or not, but  
21 that was a great quick response.

22 So, I think my recommendation would just speak  
23 to, if we can get the information out and to the public  
24 ahead of time, that this kind of streamlines things, so  
25 this was sent to us, and I'm going to bring it up at the



1 meeting, whatever, whether ADEQ has responded or not, I at  
2 least report back on the issues. But I think we should  
3 also take it to the next subcommittee meeting just to  
4 confirm that everything is okay and folks don't have  
5 further questions, since we each individually get these  
6 and we don't discuss it until the subcommittee. So I  
7 think that should be part of the process. Does this make  
8 sense?

9 CHAIRPERSON CLEMENT: Yes.

10 MS. CHABERSKI: Okay. So, I guess I would --  
11 when this happens -- if this happens again, which it will  
12 in the next meeting, send this to you in order to get this  
13 out to the public; is that correct?

14 CHAIRPERSON CLEMENT: Correct.

15 MS. CHABERSKI: Okay.

16 CHAIRPERSON CLEMENT: For the record, Joseph  
17 Mikitish has joined us, representative for the Attorney  
18 General's Office.

19 Thank you.

20 MR. MIKITISH: Sure.

21 CHAIRPERSON CLEMENT: And then there was also a  
22 proposal, I think, for your next meeting.

23 MS. CHABERSKI: Well, for the next meeting, some  
24 issues came up for discussion that we'd like to discuss,  
25 so the first one is actually going over the meeting

1 minutes. That would be number one.

2           Number two, a Committee Member wanted to discuss  
3 the possibility of an increase in an SAF mileage cost.  
4 And then the other agenda item was to discuss a change in  
5 ADEQ corrective action guidance answer regarding  
6 compliance groundwater sampling. So those were the three  
7 items that we wanted to discuss.

8           And our next meeting is September 10th, according  
9 to the DEQ schedule. Theresa isn't here. Unfortunately,  
10 I won't be able to attend September 10th, so, Gail, I  
11 don't know if Theresa will be there or not, and if neither  
12 of us are available --

13           CHAIRPERSON CLEMENT: I'm out of town that day.

14           MS. CHABERSKI: So am I.

15           CHAIRPERSON CLEMENT: What we'll do is -- I know  
16 Theresa is on vacation, so after this meeting I'll e-mail  
17 her with a copy to you, saying this is the date, these are  
18 the agenda items proposed, if we all agree on that, and  
19 see if she's available for that date. If not, we will  
20 have to change that meeting date.

21           MS. CHABERSKI: Yeah. And I think since the next  
22 full Commission meeting is slated for September 24th, I'd  
23 like to try to change that meeting before that Commission  
24 meeting, so, you know, between the 10th and the 24th so we  
25 can stay on point.

1           CHAIRPERSON CLEMENT: You know, the only problem  
2 I'm seeing with this scheduling is, the Technical  
3 Committee has -- or Subcommittee has actually issues and  
4 items they're working with, and the full Policy Commission  
5 has very little now on the agenda, and I think many of the  
6 Commission Members would prefer not a monthly schedule,  
7 but I think we need to be flexible if we need to support  
8 the Technical Subcommittee and, you know, we can keep  
9 these meetings short and on point, but we really do need  
10 to support their work.

11           MS. CHABERSKI: Is it possible to kind of make  
12 that decision depending on how important, timely and hot  
13 topic it is that we're discussing?

14           CHAIRPERSON CLEMENT: Yes.

15           MS. CHABERSKI: So if it's a mileage issue, or  
16 something that is going to make it or break it, we could  
17 defer to the next -- make that decision amongst us.

18           CHAIRPERSON CLEMENT: And also when you  
19 availability for the meeting date is.

20           MS. CHABERSKI: Uh-huh.

21           CHAIRPERSON CLEMENT: We have to have a chair  
22 there.

23           MS. CHABERSKI: We've been trying to stay with  
24 the meetings that ADEQ set up. This is the first time I  
25 know that there may be a conflict, so we do try to stay

1 with the standard meeting that's listed on the web so it's  
2 easier for folks not to show up at a meeting and then  
3 we've rescheduled it, so we try to keep that to a minimum.

4 MR. MC NEELY: I would recommend that you can  
5 have two meetings before we meet as a Policy Commission.  
6 If you have another meeting in September, and then we have  
7 -- you have action items, then we respond, it seems like  
8 you could have another meeting, talk about our responses,  
9 and then present the whole package to the Policy  
10 Commission.

11 So, I don't think we have to have a Policy  
12 Commission meeting after every one of your meetings as  
13 long as you can have two or three. In the past we've had  
14 numerous meetings. Then you can present the final product  
15 to the Policy Commission, part of this, you know.

16 MS. CHABERSKI: So, if we have -- like I imagine  
17 the groundwater sampling issue may be continued as we move  
18 forward, then we could just host our own, decide when we  
19 want to have a meeting and let you know, and then you post  
20 it and make it a public meeting. You don't need approval  
21 from the Chair?

22 CHAIRPERSON CLEMENT: The only thing that you  
23 need approval for is from the Commission, and not just the  
24 Chair, is the agenda items, what we think are appropriate  
25 for the subcommittees to work on.

1 MS. CHABERSKI: But if it's already been approved  
2 and they're continuing items, we don't need that approval?

3 CHAIRPERSON CLEMENT: No, once it's approved by  
4 the Commission.

5 MS. CHABERSKI: Good to know.

6 CHAIRPERSON CLEMENT: So, for the next agenda  
7 items that you're going to discuss, are there any comments  
8 or questions for Ms. Chaberski?

9 You know, we've gone back and forth on this.  
10 Sometimes we vote; sometimes we don't. I'm going to ask  
11 our attorney present, should we now as a Commission vote  
12 formally to approve those agenda items for the Technical  
13 Subcommittee?

14 MR. MIKITISH: If they have not been approved  
15 before, yes, it would make sense for them to be approved  
16 now so that the Technical Subcommittee could continue its  
17 work on the items that it's been addressing.

18 CHAIRPERSON CLEMENT: Okay.

19 MS. CHABERSKI: Do you want me to make a  
20 proposal?

21 CHAIRPERSON CLEMENT: Please.

22 MS. CHABERSKI: I propose at the next Technical  
23 Subcommittee meeting we discuss the following items: The  
24 July 9th meeting recommendations and responses from DEQ,  
25 the increase in SAF mileage costs possibility, and then

1 the change in ADEQ corrective action guidance regarding  
2 compliance groundwater sampling.

3 CHAIRPERSON CLEMENT: Is there a second?

4 MS. GAYLORD: Do you want a motion or a second?  
5 So moved.

6 CHAIRPERSON CLEMENT: Okay. Is there a second?

7 MR. MC NEELY: Second.

8 CHAIRPERSON CLEMENT: Okay. All in favor?

9 (Chorus of ayes.)

10 CHAIRPERSON CLEMENT: Anyone opposed?

11 No. Okay. So, the proposed agendas for the UST  
12 Policy Commission Technical Subcommittee have been  
13 approved by the full Commission.

14 Thank you, Karen.

15 Okay. On to our next agenda item.

16 We had at the last -- this is No. 7, discussion  
17 and response to the June 25th submittal by Mr. Greg Jones.

18 At our last Policy Commission meeting, just prior  
19 to the actual meeting start time, we received a packet of  
20 information from Mr. Jones, and at that time we asked the  
21 Commission to read what we had received. It's not in our  
22 packet, but I have a copy of the last meeting, and we all  
23 received it in the last meeting. I will get it out. This  
24 is what the packet looks like.

25 And for the record, when you're not in

1 attendance, does everything that's distributed at the  
2 meeting go to those who have not been in attendance? Did  
3 you receive this?

4 MS. JOHNSEN: That, yes.

5 CHAIRPERSON CLEMENT: Just wanted to make sure.

6 And the bottom line in this letter to the  
7 Commission was regarding the SAF cost schedule and the  
8 cost ceilings, and there were several concerns regarding  
9 lowering or reducing the cost schedule. We did take time  
10 during that meeting and ask all of the Commission Members  
11 that were present to read the letter and to review the  
12 documents that were presented.

13 We also had a brief discussion of the material  
14 that was presented because we were in the process of  
15 approving the SAF cost schedule so we could actually talk  
16 about a submittal because it was relevant to an agenda  
17 item we had already had published.

18 But the decision that we made relative to this  
19 submittal was that we would hold a Technical Subcommittee  
20 meeting where we could more informally and thoroughly  
21 discuss the presentation and the materials. And it's my  
22 understanding that at that meeting, the agenda item for  
23 the cost schedules was presented, and that the decision at  
24 the meeting was that there was no recommendation to carry  
25 forward.

1           And, unfortunately, it's my understanding that  
2 there was no additional backup documentation provided that  
3 would give some substance to the Commission or the  
4 subcommittee to actually -- what we were hoping to do was  
5 come up with some specific cost schedule items that could  
6 be, if appropriate, discussed at a full Commission  
7 meeting, so -- but we can't do it without any substantive  
8 basis. And we try to present, we try to develop a process  
9 where that would be available to the public and,  
10 unfortunately, we don't have any items and I don't have  
11 any additional supporting facts that I can use as a Chair  
12 to move this issue forward.

13           In the interim, and it is a part of your packet,  
14 the ADEQ put together a response letter that addressed in  
15 some detail the general concerns expressed in this letter  
16 for Mr. Jones, but I did not feel it appropriate as a  
17 Commission, since we got this information and since we  
18 attempted to deal with it through a subcommittee process,  
19 which is how we deal with specific issues, to just let  
20 this go by the wayside without further discussion and  
21 without the potential for a formal response to Mr. Jones.

22           So, that's the background, and that's where we  
23 are. I personally have not received any other input from  
24 the public regarding reducing the cost schedule. In fact,  
25 I've had the opposite, particularly regarding fuel costs.



1 That's the major item that I've heard from people.

2           So, with that background and with where we are  
3 with it, I would like to open the discussion. And  
4 because, I mean, I think people are quite concerned about  
5 this letter at the last Commission meeting and did not  
6 want to not address it.

7           So, with that, any ideas or thoughts from the  
8 membership that's here today?

9           MR. BUNCH: Well, I would just say, I wanted to  
10 thank Mr. Jones for his submittal. I think any of our  
11 members of the public that have a concern about state  
12 funds and proper use of funds should be encouraged. I'm  
13 thankful that we have people who care enough to make those  
14 submittals, and I'm also thankful to the Technical  
15 Subcommittee for addressing this issue. And my personal  
16 thought is that the technical people disagreed with Mr.  
17 Jones and that's kind of how the public process works, but  
18 I feel good that we have at least gave the process justice  
19 and I'm glad that we had a chance to address his concerns  
20 and, although, you know, his thoughts didn't prevail, I'm  
21 very thankful that he was engaged and that we reviewed it,  
22 so I think we did what needed to be done.

23           CHAIRPERSON CLEMENT: Is there --

24           MS. CHABERSKI: I have a comment.

25           CHAIRPERSON CLEMENT: Yes.

1 MS. CHABERSKI: Just to piggyback on Mr. Bunch's  
2 comment, I would encourage folks to attend our  
3 subcommittee meetings. Also, if these are issues that you  
4 want to talk about, that's why we're there. If you have  
5 an issue and a comment, that's kind of the mechanism that  
6 we use to have a discussion. And we have really rigorous  
7 discussions sometimes and see a lot of different points of  
8 views.

9 So, these are public meetings, and even if you  
10 want to attend and just listen to the group, or whatever  
11 your needs are, that's why we're there. But if there  
12 aren't any discussions or if no one comes to our meetings,  
13 there is only so much we can do, but that is the mechanism  
14 for the public to come and attend these meetings on these  
15 issues. And you can see the last time, you know, we're  
16 looking at the MNA process and time lines and things that  
17 may affect you, so I just want to, you know, verify or  
18 confirm that, you know, attend the meetings if you have an  
19 interest in any of these items.

20 CHAIRPERSON CLEMENT: Any other comments or --  
21 you know, I would propose at this point that the  
22 Commission formally respond to this letter thanking -- and  
23 I'm not trying to target anybody, but it is from a certain  
24 person, so I keep saying that, but, Mr. Jones, and  
25 thanking him for his input, identifying the fact that we

1 did hold a Technical Subcommittee meeting with this agenda  
2 item specifically, that the Commission cannot move forward  
3 on anything without fact to support, and we have a process  
4 that we have to follow as a public body, and I don't have  
5 anything more substantive to say regarding a response, but  
6 I do think that those elements -- and I would propose that  
7 we agree that I draft a letter for your approval at a  
8 subsequent meeting, because I didn't -- I wanted to have a  
9 discussion before I took that on, and that we agree on  
10 that I draft a letter but you wouldn't be in a position to  
11 approve it because I haven't drafted it yet, and we would  
12 have to approve the letter at a formal meeting.

13           So, we can agree perhaps today and as a formal  
14 Commission that I will draft a letter, and then before the  
15 next Policy Commission meeting, that will be in your in  
16 box so you will have a chance to review it, and then we  
17 will discuss, edit, change, whatever we need to do.

18           The elements that would be in that letter is,  
19 number one, a thank you for bringing public concerns to  
20 the attention of the Commission. The second is the action  
21 that we took, which was to set up a Technical Subcommittee  
22 meeting with this as a prime agenda item; and then,  
23 thirdly, as a consequence of the process, we have no  
24 additional recommendations regarding reducing the cost  
25 schedule at this time. And then the fourth is reiterating

1 that we appreciate public comment, regardless of how,  
2 when, where it comes to us, and those would be the  
3 elements in a letter in response.

4 Okay. With that, my proposal is that I will as  
5 Chair draft a letter with those major four elements. It  
6 will be presented in a full Commission for approval at our  
7 next scheduled meeting. So, do I have a first?

8 MR. BUNCH: I so move.

9 CHAIRPERSON CLEMENT: Is there a second?

10 MS. GAYLORD: Second.

11 CHAIRPERSON CLEMENT: All in favor?

12 (Chorus of ayes.)

13 CHAIRPERSON CLEMENT: Anyone opposed?

14 No. Okay. So it's approved that the Chair will  
15 draft a response to Mr. Jones with the outline as  
16 presented.

17 MR. BUNCH: I think as a process sort of  
18 clarification to members of the public, if they have  
19 concerns that they want to bring before the Commission,  
20 how long before a meeting should they sort of give  
21 themselves to ensure that their issue or concern gets on  
22 the next agenda for the next meeting? Is it days, weeks?

23 CHAIRPERSON CLEMENT: Well, since the agenda has  
24 a cost schedule, there was no need to get the agenda  
25 changed, but it would have been more helpful to the

1 Commission if we would have had the materials ahead of  
2 time, not just at the meeting. Of course, they can submit  
3 it to us at the meeting. It's just in terms of us being  
4 able to read, assimilate, ask questions, et cetera, it's  
5 always more helpful to have information ahead of time.

6 In terms of an agenda item, ADEQ has to publish  
7 the agenda a minimum of 24 hours before a public meeting.  
8 The way that we work internally, however, is typically,  
9 about a week before the meeting, I try to get a final  
10 draft to ADEQ and the Commission for review and approval,  
11 so typically if the meeting's on Wednesday, by Friday ADEQ  
12 wants a final agenda.

13 Now, that doesn't mean if a member of the public  
14 came to the Chair or to a Commission Member that we  
15 couldn't insert another agenda item, but that's the  
16 process that we're following. So the more lead time we  
17 have, the better off we are in, you know, getting the  
18 process worked out. But that doesn't mean that we would  
19 not insert an agenda item if it was appropriate before,  
20 you know, even if it isn't a week before.

21 MR. BUNCH: But at least it's got to be more than  
22 24 hours?

23 CHAIRPERSON CLEMENT: It has to be more than 24  
24 hours, and it has to allow the Chair enough time to work  
25 it through the individuals on this Commission and the DEQ.

1 So, you've got to, if you can, give me at least 48. That  
2 would probably be the least amount of time I could work an  
3 issue.

4 MR. BUNCH: Thank you.

5 CHAIRPERSON CLEMENT: And that's assuming I'm in  
6 town and alert. And I know that we're going to have a  
7 general call to the public here in a minute, and we may  
8 get some feedback.

9 MR. BUNCH: Okay.

10 CHAIRPERSON CLEMENT: Any other comments,  
11 discussions on that? Okay.

12 Now we're at the general call to the public, and  
13 Mr. Greg Jones is here.

14 MR. JONES: I'm Greg Jones. I'm with Mechanics  
15 Southwest. And I'd just like to first thank Mr. McNeely  
16 for responding to my comments and also Chairperson Clement  
17 and Commission Members for at least listening to what I  
18 had to say.

19 It's not the first time I've spoken up about this  
20 issue. It's been eight to ten years that I've talked  
21 about this issue. And the documents I gave you were from  
22 the Auditor General, and to say those aren't facts, I  
23 believe the Auditor General was in the SAF and DEQ's  
24 office for nearly 18 months gathering information in order  
25 to submit their performance audit reviews, so I believe

1 what I've said has backup.

2 Now, in regards to just saying, you know, I just  
3 want to reduce costs, that's incorrect. I wanted the DEQ  
4 to evaluate the cost ceilings like they were supposed to  
5 do every three years since '96. In 2000, they decided,  
6 okay, we're going to -- or they put out a questionnaire to  
7 consultants and came up with this new cost ceilings. The  
8 Auditor General said it was a flawed method, agreed with  
9 the comments by the DEQ personnel that it was a flawed  
10 method that these cost ceilings were created. Now, just  
11 for eight years, just add in 1.5 percent, 1.8 percent  
12 inflation, flawed costs to begin with. This isn't  
13 reevaluating the true costs. It has never done that.

14 So, the recommendation on the Auditor General  
15 was, hey, let's find out what the true costs of this is.  
16 It's never been done. And now it's another year, another  
17 1.5 percent. Sure, it's getting closer to being not quite  
18 as much of a gouge, and there is items that do need to be  
19 increased because it's true, fuel is more expensive. I  
20 totally agree with increasing mileage for consultants. It  
21 makes sense.

22 That's all I'm looking for is a true evaluation  
23 of the cost ceilings, and it's never been done. And to,  
24 you know, tell you the truth, I didn't have high  
25 expectations to really get much done with the Commission

1 and technical appeals part, technical panels, et cetera,  
2 because it never has been done in the last eight years.  
3 It's been brushed away, even though there's facts out  
4 there, and Auditor General told the DEQ, you really need  
5 to do this, and they really didn't. Sure, they took care  
6 of a little bit of FR, but in fact it was never  
7 reevaluated.

8           And prior to Mr. McNeely and Steve Owens coming  
9 onboard, and so forth, Patricia Nowak was prepared to put  
10 out cost ceiling questionnaires to everybody, not just  
11 select people. That was just completely banked. I just  
12 didn't understand the powers that were able to keep that  
13 evaluation from happening.

14           But, again, I appreciate your time here and, you  
15 know, you guys do need to write a report next year to say  
16 how you've done and so forth, and I totally agree with  
17 Phil, he's closed many sites, and I'm all for the  
18 environment being cleaned up. It's just I want it to be  
19 done with true costs. If you can determine drilling costs  
20 need to be 20 percent higher, like some people say, then  
21 adjust the cost ceilings. Some of the others need to be  
22 reduced, but it's never been done, and if I go to the  
23 technical appeals -- not technical appeals but technical  
24 panel and ask, hey, you know, what items need to be  
25 reduced, of course, everybody is just going to say no.



1           Now, if we ask them, hey, should we reevaluate,  
2 see if these costs are true, or what they should be, then  
3 there may have been a different response.

4           But, again, I thank you guys and you won't see me  
5 here that often anymore, so I appreciate it.

6           CHAIRPERSON CLEMENT: Thank you for your comment.  
7 I think we've addressed the issue. I don't have any other  
8 formal response at this time.

9           Okay. On to the next item, summary of meeting  
10 action items. I believe I'm going to write a letter. The  
11 Technical Subcommittee is going to determine the next  
12 Technical Subcommittee date, and I will instigate the  
13 e-mail. I think that was it.

14           Whoa. Okay. Discussion of agenda items,  
15 schedule for next Commission meeting.

16           How do people feel about a September meeting or  
17 an October meeting, and are there any hot items at this  
18 point that we really need to address? And it's the  
19 Technical Subcommittee that's really doing the majority of  
20 the work right now. So, Ms. Chaberski?

21           MS. CHABERSKI: The only dynamic, and it might be  
22 a few discussions, is the change in ADEQ corrective action  
23 items regarding compliance with sampling. I wasn't here  
24 before. I think there is history to this item. I don't  
25 know. But, I don't think it's a make it or break it. I

1 think we will have to have some discussions, and I'm not  
2 quite sure the person who brought this up the level of  
3 detail or what action item, but it seems to be more of a  
4 long-term item, not an immediate September 24th item.

5 Does that make sense to the Commission.

6 CHAIRPERSON CLEMENT: Yes.

7 MR. MC NEELY: And that item, we wrote this  
8 guidance back in '98, '99, and it requires four quarters  
9 of compliance sampling, and we've really been looking at  
10 the history of sampling.

11 So, we want to change the guidance, too. So, I  
12 don't think there is any controversy. It's out there that  
13 you are supposed to do this, but it's a guidance document,  
14 so it's not binding. But we'd like to fix all of our  
15 guidance to make it match what we are actually doing now,  
16 but to do that takes a lot of effort, internal and  
17 external, but it's not going to be controversial.

18 MS. CHABERSKI: It sounds like a little bit more  
19 long-term discussion. So, other than for September 24th,  
20 I don't see anything pressing.

21 CHAIRPERSON CLEMENT: Okay. And from the  
22 Evaluation Subcommittee, you don't see anything?

23 MR. BUNCH: Basically I don't see anything  
24 between now and then that would require a meeting.

25 CHAIRPERSON CLEMENT: So, then, unless anyone

1 objects, our next meeting would be the October meeting. I  
2 do like at least scheduling it two months out, and if for  
3 some reason we don't need an October meeting, we will find  
4 that out, but that way people can have it in on their  
5 calendars.

6 So the next UST Policy Commission, we will not  
7 have a September meeting, and the next Policy Commission  
8 meeting, I believe is scheduled for the 22nd of October.

9 Mr. Johnson, do you know if that's correct?

10 MR. JOHNSON: I don't.

11 CHAIRPERSON CLEMENT: The fourth Wednesday is the  
12 22nd and the fifth Wednesday is the 29th, and I don't have  
13 a calendar. It's either the 22nd or the 29th, but we will  
14 get that notice out in a lot of advance notice. I'll  
15 actually send an e-mail out after that to the Commission.

16 Okay. And if you have -- are there any agenda  
17 items you want to make sure in this meeting that you  
18 mentioned for the October meeting? Or just e-mail me if  
19 you come up with anything in addition to our normal.

20 Okay. The next Policy Commission meeting then  
21 will be in October. It will be either be the 22nd or the  
22 29th. And on that note, the UST Policy Commission meeting  
23 August 27th, 2008 is adjourned. Thank you everybody.

24 (10:37 a.m.)


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C E R T I F I C A T E

I HEREBY CERTIFY that the proceedings had upon the foregoing hearing are contained in the shorthand record made by me thereof and that the foregoing 66 pages constitute a full true and correct transcript of said shorthand record all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 27th day of August, 2008.

  
Deborah J. Worsley Girard  
Certified Reporter  
Certificate No. 50477